

Before the
Federal Communications Commission
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments,)

FM Broadcast Stations)

(Freeport and Cedarville, Illinois))

MM Docket No. 97-67

RM-8996

To: Mass Media Bureau

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COUNTERPROPOSAL

Atlantis Broadcasting Co., L.L.C. (hereafter Atlantis), by its attorneys, and pursuant to Sections 1.401 and 1.420(d) of the Commission's rules, hereby counterproposes that Channel 295A (106.9 MHz) be allotted to Cedarville, Illinois, in lieu of Freeport, Illinois. In support thereof, the following is stated:

1. By Notice of Proposed Rule Making, DA 97-296, released February 14, 1997, the Chief, Allocations Branch, proposes to allot Channel 295A at Freeport, Illinois, as that community's third local commercial FM transmission service. Interested parties were invited to file Comments on or before April 7, 1997 and Reply Comments on or before April 22, 1997.

2. Atlantis proposes that the Commission allot Channel 295A at Cedarville, Illinois, in lieu of Freeport, Illinois, in order to provide Cedarville with a first local aural transmission service.^{1/} Cedarville is an incorporated place, located in

^{1/} Cedarville has been added to the caption.

Stephenson County, Illinois (1995 population - 49,200) approximately five miles north of Freeport (1995 population - 26,200). Cedarville has a 1990 population of 791, its own post office and zip code (61013). Source: Rand McNally Commercial Atlas & Marketing Guide (1996 Edition) pp. 315, 317, 323.

3. There is annexed hereto as Appendix A a channel allocations study prepared by T. Z. Sawyer Technical Consultants, which demonstrates that Channel 295A may be allotted to Cedarville in full compliance with the minimum distance separation and principal community coverage requirements of the rules with a site restriction of 2.1 kilometers south-southeast of the Cedarville reference point to avoid a short-spacing to WSJY, Channel 297B, Fort Atkinson, Wisconsin and a proposed allotment of Channel 294A at Mount Horeb, Wisconsin (RM-8984).

4. The allotment of Channel 295A at Cedarville rather than at Freeport will better advance the objectives of Section 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 307(b) and the Commission's FM allocation policies. Although Freeport has a significantly larger population than Cedarville, it is presently served by two commercial FM stations, and one fulltime AM station. These are WFPS(FM), which is authorized to operate on 92.1 MHz with Effective Radiated Power (ERP) of 3 KW and Height Above Average Terrain (HAAT) of 300 feet; WXXQ(FM), which is authorized to operate on 98.5 MHz with ERP of 50 KW and HAAT of 450 feet; and WFRL(AM), which is authorized to operate on 1570 KHz with power of 5 KW-D and 500 W-N (DA-2).

5. The allotment of Channel 295A at Freeport would, therefore, provide that community with its fourth local aural transmission service. In contrast, the allotment of Channel 295A at Cedarville would provide that community with its first aural transmission service, and, is, therefore, the preferred allotment. Beaufort County Broadcasting Co., 94 FCC 2d 572, 54 RR2d 923 (1983), aff'd sub nom., Beaufort County Broadcasting Co. v. FCC, 59 RR2d 1642 (D.C. Cir. 1986).

6. Atlantis hereby states that if the Commission grants its Counterproposal, it will apply for Channel 295A, when it is allotted to Cedarville, and if its application is granted, it will promptly build the station.

WHEREFORE, for the foregoing reasons, Atlantis respectfully requests the Commission to grant this Counterproposal and to allot Channel 295A at Cedarville, Illinois.

Respectfully submitted,

ATLANTIS BROADCASTING CO., L.L.C.

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April 7, 1997
189090-1

Its Attorneys

Appendix A

TECHNICAL EXHIBIT
PETITION TO MODIFY
FM TABLE OF ALLOTMENTS

CHANNEL 295A
CEDARVILLE, ILLINOIS

Proponent: Atlantis Broadcasting Co. L.L.C.

Narrative

The technical exhibit of which this narrative is part was prepared on behalf of Atlantis Broadcasting Co. L.L.C., in support of a counterproposal to modify the FM Table of Allotments (47CFR 73.202) to add FM Channel 295A as a fully spaced Class-A FM Commercial Service, to serve the incorporated community of Cedarville, Illinois

Channel 295A, if allocated to Cedarville, Illinois will require a minor "site restriction" of approximately 2.1 kilometers south-southeast of the city reference point¹ to avoid a short-spacing to WSJY, Channel 297B, Fort Atkinson, Wisconsin (BLH-900817KC) and the proposed allotment of Channel 294A at Mount Horeb, Wisconsin (RM-8984). There is an adequate area to locate the station and meet all separation requirements and provide the required (3.16 mV/m) service to the proposed community. Several existing communication towers are within the area to locate which is approximately 49.7 square kilometers in size.

As an aid in determining the feasibility of the proposed allocation, a FM channel separation study was conducted at the proposed allocation reference point using the following geographical coordinates:

¹ The U.S. Atlas (Department of Commerce) lists the geographical coordinates of Cedarville, Illinois as: 42-22-30 N. Latitude, 89-38-00 W. Longitude.

42° 21' 33" North Latitude

89° 38' 50" West Longitude.

The results of the study are contained herein as Table I. The allocation (allotment) point is approximately 535 kilometers from the nearest point on the U.S.- Canada border; Canadian concurrence of the allocation of Channel 295A to Cedarville will not be required. The allocation of Channel 295A at Cedarville, Illinois, meets all domestic and international separation requirements.

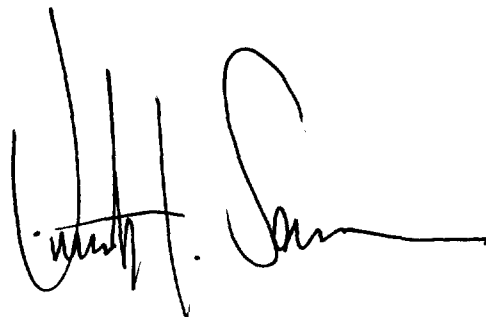
No other AM, FM or Television assignments are licensed to this community, which is listed in the 1990 U.S. Census as having a population of 751 persons.

Further information, if required, concerning the technical merits or methods employed in the preparation of this narrative may be obtained by contacting the office of the undersigned.

March 31, 1997

Timothy Z. Sawyer

T.Z. Sawyer Technical Consultants
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A handwritten signature in black ink, appearing to read 'Timothy Z. Sawyer', with a stylized, elongated horizontal stroke at the end.

Cedarville, IL

Table I

FM SEPARATION STUDY

					FCC DB Date : 03/28/97			
Channel 295A (106.9 MHz)					Coordinates : 42-21-33 89-38-50			
Call	City	Channel	ERP(kW)	Latitude	Bearing	Dist.	Req.	
Status	State	FCC File No.	Freq.	HAAT(m)	Longitude	deg-Tru	(km)	(km)
WWQMF	Middleton	292A	4.5		43-03-03	9.6	77.96	31
LIC	WI	BLH960903KH	106.3	114.0	89-29-13		46.96	CLEAR
WKCH	Whitewater	293A	6.0	DA	42-54-24	50.0	95.38	31
APP	WI	BMPH961021ID	106.5	61.0	88-45-06	SS	64.38	CLEAR
KCQQ	Davenport	293C1	100.		41-37-58	218.2	102.53	75
CPM	IA	BMPH951113IB	106.5	299.0	90-24-38		27.53	CLEAR
	Mount Horeb	294A			42-59-22	346.6	72.03	72
PADD	WI	RM8984	106.7	.0	89-51-12		.03	CLOSE
Site Restriction 9.6km West								
WDMP	Dodgeville	294A			42-55-10	327.5	74.00	72
PADD	WI	RM9033	106.7	.0	90-08-06		2.00	CLOSE
Counterproposal								
WYLL	Des Plaines	294B	50.		42-08-10	99.7	139.66	113
LIC	IL	BLH7489	106.7	91.0	87-58-55		26.66	CLEAR
¹	Freeport	295A			42-19-28	127.9	6.30	115
PADD	IL	RM8996	106.9	.0	89-35-13		-108.70	SHORT
Site Restriction 5.4km North								
WNNOFM	Wisconsin Dells	295A	3.1		43-38-23	357.6	142.39	115
LIC	WI	BMLH921230KE	106.9	98.0	89-43-14		27.39	CLEAR
WSWT	Peoria	295B	50.		40-43-22	176.4	182.11	178
LIC	IL	BLH5527	106.9	146.0	89-30-40		4.11	CLOSE
WPVLFM	Platteville	296A	3.8		42-44-45	302.7	80.37	72
LIC	WI	BMLH900820KI	107.1	72.0	90-28-27		8.37	CLOSE
WSJY	Fort Atkinson	297B	26.0		42-48-02	44.5	69.09	69
LIC	WI	BLH900817KC	107.3	206.0	89-03-16		.09	CLOSE
WJOD	Galena	298A	3.00		42-24-02	274.5	62.06	31
LIC	IL	BLH880829KC	107.5	100.0	90-23-55		31.06	CLEAR

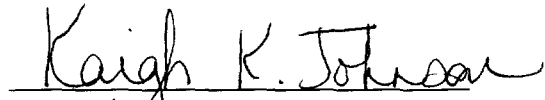
¹ The proposed allotment at Cedarville, IL. of Channel 295A is a counterproposal to the proposed rulemaking at Freeport, IL.

CERTIFICATE OF SERVICE

I, Kaigh K. Johnson, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 7th day of April, 1997, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing "**Counterproposal**" to the following:

*John A. Karousos
Chief, Allocations Branch
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Mass Media Bureau
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Kaigh K. Johnson

*By Hand Delivery